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TO: CERTIFIED FARMERS' MARKET MANAGERS

CERTIFIED PRODUCERS

SAN DIEGO COUNTY FARM BUREAU

RE: DIRECT MARKETING GUIDELINES FOR ADMINISTRATIVE CIVIL

PENALTIES

Enclosed are the Direct Marketing Program guidelines for administrative civil penalties. The guidelines are intended to gain compliance while providing enforcement action uniformly. The direct marketing program promotes fair competition among participants and ensures consumer confidence in the quality and integrity of the markets.

These guidelines were recommended and accepted by the Certified Farmers' Market Advisory Committee and the County Agricultural Commissioners on May 13, 2002. They were distributed to all Certified Farmers' Markets, the Southland Farmers' Market Association and the California Federation of Certified Farmers' Markets on or about June 6, 2002. We are distributing the guidelines again to ensure that Certified Farmers' Market participants are aware of them.

Please be advised that violations of Chapter 10.5 of the California Food and Agricultural Code and/or Title 3, Article 6.5 of the California Code of Regulations may result in civil administrative penalties pursuant to section 47025 and the attached guidelines.

We appreciate your continued cooperation in maintaining compliance as a certified producer, or as a market manager at your certified farmers' market. Market managers are encouraged to post or distribute copies of the guidelines for your participants.

If you have any questions, please call (858) 694-2778.

ROBERT G. ATKINS Agricultural Commissioner/ Sealer of Weights and Measures

Enclosure

ADMINISTRATIVE CIVIL PENALTIES FOR DIRECT MARKETING

Authority Cited Food and Agricultural Code Section 47025 (a)

Rev. 5/23/02

,	Y 17	WAY A THONG THEN A T TW	Rev. 5/23/02	MODEDATE	CEDIOUS
CODE		VIOLATIONS/PENALTY	MINOR	MODERATE	SERIOUS
SECTION Section I.		G US I Design Wielestiere	\$50-\$150	\$151-\$400	\$401-\$1,000
		Certified Producer Violations			
1.	CCR	Certified producer selling Product(s)			1 st Violation.
•	1392.4(a)	not of their own production.			
	FAC 47002				
2.	CCR	Refusing to submit to inspection.			1 ⁿ Violation.
	1392.5(c)	According to business and a series.			40 Charles and American American
	1392,7(a)2				
	FAC 47020				
3.	CCR	Producer not having a certified			1" Violation
	1392.4(d)	producer's certificate.			
4.	CCR	Certified producer selling with an		2 [™] NC in 12 months	Repeat NC within 12
	1392.4(d)	expired certificate and not in the			months of Moderate
		renewal process with CAC.			penalty.
5.	CCR	Valid certified producer's certificate	*2 NC's in 12 months.	Repeat NC within 12	Repeat NC within 12
	1392.4(d)	not in possession, and/or not posted.		months of Minor	months of Moderate
		(not embossed)		penalty.	penalty.
6.	CCR	Certified producer selling product(s)	*2 NC's in 12 months.	Repeat NC within 12	Repeat NC within 12
	1392.4(a)	which they produced but do not have		months of Minor	months of Moderate
	1392.5(b),(c)	listed on their certified producer's		penalty.	penalty.
	1392.7(a)1	certificate.	000 100 1 10 4	D	770 '41' 10
7.	CCR	Certified producer selling at a certified farmer's market for other	2 nd NC's in 12 months.	Repeat NC within 12 months of Minor	Repeat NC within 12 months of Moderate
	1392.4(f)2				P. DONA MARKAMAN, DAMA AND MARKAMAN POPUL
		certified producer(s). i.e. "Second Cert."	*	penalty.	penalty.
		Authorized certified producer's	r		
		certificate(s) not in possession			
		and/or posted for other certified			
		producer(s).			
8.	CCR	"Second Cert."	*2 NC's in 12 months.	Repeat NC within 12	Repeat NC within 12
٠.	1392.4(f)2	 Product not separated and 		months of Minor	months of Moderate
		identified.		penalty.	penalty.
9.	CCR	"Second Cert."		1 st Violation	Repeat NC within 12
	1392.4(f)4	→ Name of certified producer(s) not	· E	an g	months of Moderate
		listed on certificate of other certified			penalty.
		producer who is authorized to sell the		ļ	
		certificate holder's products.			
		(Agreement was made but paperwork	1		
		not done not a resell situation).			
		And/or	,		
	CCR	"Second Cert."			
	1392.4(f)3	→ Name of certified producer not listed on other producer's certificate			
		that the certificate holder may sell for		,	
		(Agreement was made but paperwork			
		not done not a resell situation).		×	*
10	. CCR	A certified producer representing		1 ⁿ Violation	2 nd or more
10	1392.4(f)1	more than 2 other certified		1 A Interest	violations.
	1372.4(1)1	producer(s) in a 12-month period			1 TOTALLOID.
		and/or a certified producer being			
		represented by more than 2 certified			
		producer(s) in a 12-month period.			

NC - Documented notice of noncompliance, or notice of violation.

Decisions to suspend or revoke a certified producer's certificate, or privileges to participate in certified farmers' markets will be made at the discretion of the agricultural commissioner on a case by case basis.

Penalties will be assessed after two documented notices of noncompliance/violation are issued.

Section II.		Certified Farmers' Market	Minor	Moderate	Serious
		Violations (Con't)	\$50-\$150	\$151-\$400	\$401-\$1000
3. C	CCR 392.9(a)3	Failure to ensure the certified producers possess a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
1	CCR 392.9(a)3	Failure to ensure the certified producers post a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
1	CCR 392.9(a)4	Failure to ensure the certified producers lists their certified products on their certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
1	CCR 392.9(a)5	Failure to ensure the producers are selling only approved non-certifiable ag. products.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
	CCR 392.9(a)6	Failure to ensure the producer's products being sold for other producer(s) are separated and identified and all certified producer's names are cross referenced.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
	CCR (392.9(b)	Failure to collect all of the load lists required on any single market day. Failure to keep load lists for 18 months. Did not collect at least 20% of the	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
		load lists on any single market day.	>	→	1 st Violation
1	CCR 1392.6(g)	Failure to provide state and/or county with current market rules.	*2 NC's in 12 months.		3 or more NC's in 12 months.
10. C	CCR 1392.4(f)	Allowing one certified producer to sell for another certified producer without providing for it in the market rules.	,	*2 NC's in 12 months.	3 or more NC's in 12 months.
(1392.6(d), (e), (f)	Market rules must be in compliance.		*2 NC's in 12 months.	Repeat NC within 12 months of Moderate penalty.
12. F	FAC 47005	Refusing to allow inspection or entrance			I" Violation Plus Suspension of Participation Privileges and/or Revocation
13. H	FAC 47022.2	False, deceptive, misleading signs, statements, or documents	2 NC's in 12 months	Repeat NC within 12 months of minor penalty	Repeat NC within 12 months of moderate penalty
14. I	FAC 47022.3	Falsify documents or false statements to obtain market Certificate			1st Violation Plus Suspension of Participation Privileges and /or Revocation
	47022.4	Unlawfully removing NC or products held under NC			1 [#] Violation
	47022.6	Refusing to allow inspection of property			1 st Violation Plus Suspension of Participation Privileges and/or Revocation
18. I 4702		Altering any official document issued by enforcing officer			1 th Violation Plus Suspension of Participation Privileges and/or Revocation

Section II.	Certified Farmers' Market Violations (Con't)	Minor \$50-\$150	Moderate \$151-\$400	Serious \$401-\$1000
. CCR	Failure to ensure the certified	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 12
1392.9(a)3 producers possess a valid certified	months.	months of Minor	months of Moderate
	producer's certificate.		penalty.	penalty.
. CCR	Failure to ensure the certified	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 12
1392.9(n)3 producers post a valid certified	months.	months of Minor	months of Moderate
	producer's certificate.		penalty.	penalty.
CCR	Failure to ensure the certified	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 12
1392.9(a)4 producers lists their certified	months.	months of Minor	months of Moderate
	products on their certificate.		penalty.	penalty.
S. CCR	Failure to ensure the producers are	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 1
1392.9(months.	months of Minor	months of Moderate
	ag. products.		penalty.	penalty.
7. CCR	Failure to ensure the producer's	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 12
1392.9(months.	months of Minor	months of Moderate
	producer(s) are separated and		penalty.	penalty.
	identified and all certified producer's	5		1
	names are cross referenced.			
. CCR	Failure to collect all of the load lists	2 Market NC's in 12	Repeat NC within 12	Repeat NC within 1
1392.9(months.	months of Minor	months of Moderate
	Failure to keep load lists for 18		penalty.	penalty.
	months.			,
	Did not collect at least 20% of the			
	load lists on any single market day.	→	→	1st Violation
. CCR	Failure to provide state and/or count	y *2 NC's in 12 months.	 	3 or more NC's in 1
1392.6		, 2110 3 III 12 Mondis.		months.
0. CCR	Allowing one certified producer to		*2 NC's in 12 months.	3 or more NC's in 1
1392.4			211C 3 in 12 months.	months.
1392.4	without providing for it in the marke	.	ŀ	monuis.
	rules.			
II. CCC	Market rules must be in compliance.		*2 NC's in 12 months.	Repeat NC within 1
. 1392.60	**************************************		ZIVE 3 III 12 Months.	months of Moderate
(e), (f)	u),	•		penalty.
12. FAC 47	005 Refusing to allow inspection or			1 ⁿ Violation Plus
12. PAC 4	entrance			Suspension of
	entiance			Participation
	90			Privileges and/or
				Revocation
13. FAC	False, deceptive, misleading signs,	2 NC's in 12 months	Repeat NC within 12	Repeat NC within 1
		2 NC s in 12 months.	months of minor	months of moderate
47022.2	statements, or documents			
A PAG	Folsifi, dogumente ou folso statour aut		penalty	penalty 1 st Violation Plus
14. FAC	Falsify documents or false statement to obtain market Certificate	a		
47022.	to obtain market Certificate			Suspension of
				Participation
				Privileges and /or
				Revocation
5. FAC 47022.	Unlawfully removing NC or product held under NC	IS		1 ^R Violation
6. FAC	Refusing to allow inspection of			1 st Violation Plus
47022.		1		Suspension of
71044.	property			Participation
		1		Privileges and/or
				Revocation
10 540	Alamina pay official document in	 		
8. FAC	Altering any official document issue	sa		1 ⁿ Violation Plus
47022.7	by enforcing officer	*		Suspension of
				Participation
				Privileges and/or
		1		Revocation